



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

## South Texas Refuge Complex

Lower Rio Grande Valley National Wildlife Refuge

3325 Green Jay Road

Alamo, Texas 78516

(956) 784-7500



June 21, 2021

Mr. Sam Patel  
Director of Starship Operations  
SpaceX - South Texas  
1 Rocket Road  
Brownsville, Texas 78521

Dear Mr. Patel:

During our June 8, 2021, site visit to our Boca Chica Tract of the Lower Rio Grande Valley National Wildlife Refuge (Refuge), we discovered that three of our boundary survey monuments could not be located due to the placement of a significant amount of gravel within the Texas Department of Transportation (TxDOT) right-of-way (ROW) along State Highway 4, adjacent to the SpaceX control/manufacturing site. Although TxDOT may have a ROW in that area, it is "...for public road purposes..." and they do not own the underlying land in fee. As such, the placement of the gravel and the current use of the area is on Refuge lands and is unauthorized. In addition, please note that it is unlawful to disturb official boundary survey monuments (*Title 18, U.S.C., SEC. 1858; 62 Stat. 789*). Furthermore, in the area of San Martin Boulevard, we noticed encroachments on Refuge lands including a newly installed sidewalk, landscape rocks, and a drainage ditch. Refuge regulations specifically prohibit trespass on Refuge lands per 50 CFR, Part 26.21. Therefore, a ROW permit should have been requested for the improvements per 50 CFR Part 29.21.

Attached you will find photographs of unauthorized encroachments and trespass on the Refuge. Please remove all materials and land alterations that have been placed on Refuge property within the next 30 days. We also believe that these areas should be reclaimed to the condition they were in prior to the trespass and encroachment. Please contact me via email at [sonny\\_perez@fws.gov](mailto:sonny_perez@fws.gov) to discuss removal of these materials and alterations and reclamation of Refuge lands.

Sincerely,

Manuel "Sonny" Perez III  
Complex Refuge Manager

cc:

Stacey Zee, Federal Aviation Administration, Washington, DC

Aaron Archibeque, Regional Chief, Refuges, U.S. Fish and Wildlife Service, Albuquerque, NM

Bryan R. Winton, Refuge Manager, Lower Rio Grande Valley NWR, Alamo, TX

Kelly McDowell, Refuge Supervisor, Coastal Texas Refuges, New Braunfels, TX

Heather Snow, Chief, Division of Realty, U.S. Fish and Wildlife Service, Albuquerque, NM

Dawn Gardiner, Assistant Field Supervisor, Texas Coastal ES Field Office, Corpus Christi, TX

Pedro Alvarez, PE. District Engineer, TxDOT, Pharr, TX

## Photos (5)



*Photo 1: Gravel installed over Refuge boundary monuments. Refuge lands are on the left side and SpaceX lands to the right of this marker. Two other Boundary monuments NE from this marker, along the Refuge boundary were not located due to the placement of this gravel.*



*Photo 2: View looking NE along SpaceX's Control/Manufacturing site on the left and along the Refuge boundary line where the FWS staff person is seen inspecting one of the Refuge's boundary carsonites protruding through the gravel. Refuge lands extend across the graveled area to State Highway 4 and to opposite side of the highway. Gravel was placed onto Refuge lands without our authorization, within the 200-foot wide TxDOT ROW. TxDOT only has a ROW deed for "public road purposes" and so does not own the land in fee in this section.*



*Photo 3: Photo looking SW along the TxDOT ROW showing graveled area on the Refuge being used by SpaceX employees as a parking lot. This constitutes an unauthorized use on the Refuge.*



***Photo 3: View looking NW along the E end of San Martin Blvd. The land underlying this strip is Refuge lands. This photo shows encroachment of equipment and unauthorized improvements including a sidewalk, landscaping rocks.***



***Photo 5: View looking SE from the end of San Martin Blvd showing large drainage ditch encroaching on Refuge lands.***